



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/001,423 12/03/2001		Tapesh Yadav	A21	4189	
75	90 02/11/2003				
Stuart T. Langley, Esq. Hogan & Hartson, LLP Suite 1500			EXAM	EXAMINER	
			RAEVIS, ROBERT R		
1200 17th Street					
Denver, CO 8			ART UNIT	PAPER NUMBER	
			2856	2856	
			DATE MAILED: 02/11/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary    Examiner   Robert R. Reevis   2856	<del></del>		Application No.	Applicant(s)	<del>-</del> /
Robert R. Raevis 2856  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CR 1.136(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. If the period for reply specified above is laws than their hydridary period will supply and ville openis SIX (b) MONTHS from the mailing date of this communication. If the period for reply specified above is laws that their hydridary period will apply and ville openis SIX (b) MONTHS from the mailing date of this communication. If the period for reply specified above is laws that they dishory period will apply and ville openis SIX (b) MONTHS from the mailing date of this communication. If the period for reply supplication is contained application is period to reply within the set or extended period for reply vill, by statute, cause the application is become ABANDONED (SI U.S.C. § 133). Any reply received by the Office laber than three members due to the application is obscient the mailing date of this communication, even if timely filed, may reduce any owners are supplied to the second and contained application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)israe allowed. Claim(s)israe allowed. Claim(s)israe allowed. Claim(s)israe allowed. Claim(s)israe allowed. Claim(s)israe bedieded to. Claim(s)israe bedieded to mailing the application and/or election requirement. Application Papers  9) The specification is objected to by the Examiner. Application Papers  1) The proposed drawing correction filed onisrae: a)accepted or b)		<u>.</u>	10/001,423	YADAV ET AL.	•
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Certified copies of the priority documents have been received in Application No      Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	a)[	☐ All b)☐ Some * c)☐ None of:			
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		1. Certified copies of the priority document	ts have been received.		
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		2. Certified copies of the priority document	ts have been received in Applica	ation No	
4.0 The transfer of a decimal for demonstration of a first condensation of the control of the co	* S	application from the International Bu	ıreau (PCT Rule 17.2(a)).		i <b>e</b>
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).	14) 🗌 A	acknowledgment is made of a claim for domest	ic priority under 35 U.S.C. § 119	e) (to a provisional app	lication).
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>					
Attachment(s)	Attachmen	t(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)  4) Interview Summary (PTO-413) Paper No(s)  5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informa		

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## Election/Restrictions

- 1. Election of Group I, and Claims 1, 2 and 7 are acknowledged.
- 2. As claims 22, and 26-27 are not directed to a hydrogen chemical sensor, those claims are deemed to be non-elected.
- 3. This application contains claims directed to the following patentably distinct species of the claimed invention: either claim 21 (along with previously elected claims 1, 2 and 7), or in the alternative, claims 23-25 (along with previously elected claims 1, 2 and 7).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2 and 7 are deemed to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. If Applicant elected claim 21 above, skip the remainder of Paragraph No. 4, and proceed to Paragraph No. 5. In the alternative, if Applicant elected claims 23-25 above, an election a further restriction is as follows:
  - I. Claim 23, drawn to an electroded nanostructured device that is sensitive to hydrogen that uses titanium, classified in class 427, subclass 58+.
  - II Claim 24, drawn to an electroded nanostructured device that is sensitive to hydrogen that uses strontium, classified in class 427, subclass 58+.
  - III. Claim 25, drawn to an electroded nanostructured device that is sensitive to hydrogen that uses barium, classified in class 427, subclass 58+.

The inventions are distinct, each from the other because of the following reasons:

Groups I-III listed above are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for

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patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because all of the limitations of each group are not found in any of the other groups. Each of the subcombinations has separate utility as a nanostructured device that may be employed for testing different gases with different sensitivities..

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 7:00am to 3:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

RAENI) ANZ856